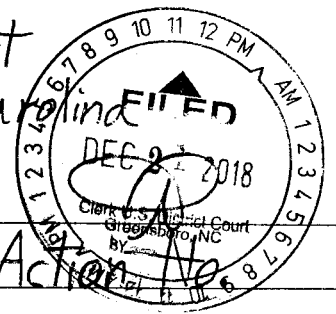


In The United States District Court
For The Middle District of North Carolina



Brian David Hill,
Petitioner/Defendant;

Criminal/Civil Action
1:13-cr-435
1:17-CV-1036

v.

United States of America,
Respondant/Plaintiff,

Motion for Summary Judgment or Case Dismissal
of Supervised Release Violation

2255 Petitioner and criminal Defendant Brian David Hill ("Brian", "Hill") files this Motion with this honorable Court, requesting Summary Judgment or Case Dismissal of both the Supervised Release Violation ("SRV") and the Arrest Warrant Detainer on the basis of violation of Supervised Release. Here are the reasons.

Motion and Brief/Memorandum of law

1. Hill is entitled to Summary Judgment as a matter of law. Pursuant to the Fourth Amendment of the United States Constitution, Bill of Rights; Probable Cause clause.

2. Under U.S. Supreme Court case law *Marbury v. Madison*, gave the Federal Courts the exclusive authority to interpret the Constitution, and limit the actions of Government to only perform actions that are Constitutional and bar the Government from Unconstitutional actions. *Marbury v. Madison* (1803).

3. The Probable Cause Clause of the Fourth (4th) Amendment said that "...No Warrants shall be issued but upon probable cause...". That applies to even Warrants of Arrest.

4. Hill had already explained in pleadings of Documents no. 152, 153, and 154 on up, that Hill's attorney Scott Albrecht (Martinsville, VA Public Defender) said that Hill is not guilty of indecent exposure in case Commonwealth of Virginia, et al. v. Brian David Hill. Hill shall go to trial on December 21, 2018, at 10:45AM. Case no. C18-3138.

5. In the event that the presiding Judge finds that Hill is not-guilty, Hill did not commit the Virginia offense of indecent exposure, Hill is innocent. Hill is a victim of crime, and this Court can take the Commonwealth Court Judge's decision as a clear cut basis of innocence of that Commonwealth charge. Hill asks the Court to wait until the Martinsville General District Court's decision before making a decision on this Motion and brief.

6. If the sole basis of the Detainer and Arrest Warrant is because of an allegation of violating Supervised Release over Hill's criminal charge (See paragraphs 4 and 5) then the verdict of not-guilty proves that there was no violation of Supervised Release, therefore such Detainer is unconstitutional and is an unlawful detainment. The Arrest Warrant has no probable cause and should be quashed as an unconstitutional warrant that has no basis for execution in regards to Brian David Hill.

The facts are established quite clear, the arrest of Hill on the basis of violating Supervised Release over a charge that Hill is innocent of is unconstitutional and unlawful. Hill respectfully requests that the Court quash the Arrest Warrant, and vacate the Supervised Release Violation as moot. Vacatur of the Arrest Warrant is warranted in the facts of this case and as a matter of law. Summary Judgment is warranted in the matter of Supervised Release Violation as a matter of facts and law. Therefore this court must move to (1.) Grant Hill's Motion for Summary Judgment or Case Dismissal of Supervised Release Violation; (2) vacate and quash the Arrest Warrant/Detainer of Brian David Hill; (3.) and grant any other relief that the Court deems proper and just.

Respectfully filed with the Court, this the 13th day of December, 2018.

Brian D. Hill
Signed

Brian David Hill (Pro Se)
#302165
Martinsville City Jail
P.O. Box 1326
Martinsville, VA 24114
U.S.W.G.O.

- Certificate of Service -

I, Brian David Hill, certify that I deposited the foregoing pleading in the Jail institution's mailing system, envelope prepaid, to be mailed to the Clerk of the Court.

Under the Informa Pauperis Statute, I request that the Clerk serve all parties to this case through CM/ECF system and by Notice of Electronic Filing which will notify such parties. Thank You.

Brian D. Hill
Signed

Brian David Hill (Pro Se)
#302165
Martinsville City Jail
P.O. Box 1326

Martinsville, VA 24114
U.S.W.G.O.

God Bless America

Make America Great Again. Drain The Swamp - Trump